



S/N 09/888,358

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ADAMS ET AL. Examiner: S. SAKELARIS
Serial No.: 09/888,358 Group Art Unit: 1634
Filed: JUNE 22, 2001 Docket No.: 11669.187USU2
Confirmation No.: 8903 Customer No.: 23552
Title: CGI-69 COMPOSITIONS AND METHODS OF USE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on December 3, 2004.

By:

Name: Sheryl A. Boerboom

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in an International Search Report mailed November 4, 2004. At least some of the references were recently cited in an International Search Report mailed November 4, 2004.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. No fee is due as this statement is submitted as certified below under 37 C.F.R. § 1.97(e)(1) or (2) by the undersigned.

7. Yu et al., "Overexpression of the human 2-oxoglutarate carrier lowers mitochondrial membrane potential in HE-293 cells: contrast with the unique cold-induced mitochondrial carrier CGI-69", *Biochem. J.*, 353:369-375 (2001);
8. Zhang et al., "Assessment of uncoupling activity of uncoupling protein 3 using a yeast heterologous expression system", *FEBS Letters*, 449:129-134 (1999).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: December 3, 2004

Katherine M. Kowalchuk
Katherine M. Kowalchuk
Reg. No. 36,848

